

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEODORO URBINA,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:08-cv-00726

GRAND RAPIDS POLICE  
DEPARTMENT, et al.,

Defendants.

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**REPORT AND RECOMMENDATION**

On November 17, 2008, the Court entered an order setting a Rule 16 Scheduling Conference in this matter (Dkt. 10), and on November 18, 2008, a copy of the order was sent to Plaintiff. Due to closure of the court because of inclement weather, the conference was rescheduled to January 7, 2009 (Dkt. 14), and on December 24, 2008, a copy of the notice rescheduling the conference was sent to Plaintiff.

On January 7, 2009, at the scheduled time for the conference, the court and counsel for Defendant were present but Plaintiff did not appear. Nor did Plaintiff contact the court. After waiting a significant amount of time, the court noted Plaintiff's non-appearance on the record and stated that an Order to Show Cause would issue.

The ensuing Order to Show Cause (Dkt. 16) ordered that Plaintiff appear before Magistrate Judge Ellen S. Carmody, 654 Federal Building, 110 Michigan N.W., Grand Rapids, Michigan, on January 21, 2009 at 10:00 a.m. to show cause why this matter should not be dismissed

pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court.

On January 21, 2009, at the scheduled time for the hearing, counsel for Defendant was present but Plaintiff did not appear. Nor did Plaintiff contact the court. After a significant amount of time, the court noted Plaintiff's non-appearance on the record and stated that a Report and Recommendation that this matter be dismissed would issue.

As such, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's final opportunity to show cause why this matter should not be dismissed.

Date: January 21, 2009

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
United States Magistrate Judge